

RATNELL CARMICHAEL  
D-25366 2 North 1 Lower  
CSP, San Quentin  
San Quentin, Ca  
94964

PLAINTIFF PRO SE

ORIGINAL FILED  
NOV-6 AM 11:01  
CLERK, NORTHERN DISTRICT COURT  
OF CALIFORNIA

CW  
(PR)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CV 07 5622

RAYNELL CARMICHAEL

Plaintiff

E-filing

vs.

JAMES TILTON et al

Defendants

Case Number \_\_\_\_\_  
Plaintiff Motion For  
The Court To Take  
Judicial Notice  
Fed Rul Evid. Section

-201-

TO THE HONORABLE PRESIDING JUDGE, the plaintiff  
in the civil matter hereby request this court take Judicial Notice  
of the documents from the superior Court State Of California County  
of Marin.

Evidence Code Section 201 , n 56 provides  
for this court to take judicial notice of the requested materials.  
CConpocov. Inc. Roll INT'L(2000, CA @ NY) 213 f3d 82 47 fr  
ser. 3rd 1192

Respectfully submitted

By Raynell Carmichael

Raynell Carmichael

Plaintiff Pro se

Dated 10,30, 2007

October 30, 2007

**FILED**

JUN 12 2007

KIM TURNER  
 Court Executive Officer  
 MARIN COUNTY SUPERIOR COURT  
*[Signature]*  
 Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

RAYNELL CARMICHAEL,	)	Case No. SC152878A
	)	
Plaintiff,	)	ORDER TO SHOW CAUSE
	)	RE: PETITION FOR
v.	)	WRIT OF HABEAS CORPUS
	)	
CALIFORNIA DEPT. OF CORRECTIONS	)	
AND	)	
BOARD OF PRISON TERMS,	)	
	)	

---

**TO: RESPONDENT AND THE ATTORNEY GENERAL**

From the April 5, 2007, petition for writ of habeas corpus, filed by San Quentin inmate, Raynell Carmichael, it appears to the court that, if the circumstances are as described in the petition, petitioner may be entitled to the relief requested.

Accordingly, the Attorney General is directed to file a return to Department "G" of this court, within thirty days of the filing of this order, showing why a writ of habeas corpus should not be issued on behalf of petitioner.

Any denial which petitioner may choose to file in response to the Attorney General's return must be filed within thirty (30) days of the filing of the return.

If petitioner desires but cannot afford counsel, such can be appointed upon petitioner's request.

Unless a hearing is required, the matter will be deemed submitted upon receipt of petitioner's denial or after the expiration of thirty (30) days following the receipt of the return from the Attorney General.

///  
 ///

1  
2       In accordance with California Rules of Court Rule 4.500, the court hereby provides the  
Attorney General with copies of the original petition for writ of habeas corpus.  
3  
4  
5  
6  
7  
8  
9

Dated: June 12, 2007  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



KELLY VIEIRA SIMMONS  
JUDGE OF THE SUPERIOR COURT

STATE OF CALIFORNIA )  
COUNTY OF MARIN )

IN RE: **RAYNELL CARMICHAEL**

ACTION NO.: **SC152878A**

(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903. ON **June 15, 2007** I SERVED THE WITHIN ***ORDER TO SHOW CAUSE RE: PETITION FOR WRIT OF HABEAS CORPUS*** IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

<b><i>RAYNELL CARMICHAEL CDC #: D-25366 SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974</i></b>	<b><i>WARDEN SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974</i></b>
<b><i>ATTORNEY GENERAL ATTN: ANYA BINSACCA CORRECTIONAL LAW SECTION 455 GOLDEN GATE AVENUE 12TH FLOOR SAN FRANCISCO, CA 94102</i></b>	

*I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.*

DATE:

*6/15/07* *WTW*

**FILED**

AUG 06 2007

KIM TURNER  
Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
By: Mr. Murphy, Deputy

## IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

## IN AND FOR THE COUNTY OF MARIN

8 In re

9 RAYNELL CARMICHAEL ,	)	Case No.: SC152878A
	)	
10 Petitioner,	)	ORDER DENYING PETITION
	)	FOR WRIT OF HABEAS
11 On Habeas Corpus	)	CORPUS AND VACATING
	)	ORDER TO SHOW CAUSE
	)	

15 Petitioner, an inmate confined at San Quentin State  
16 Prison, filed a petition for writ of habeas corpus with this court  
17 on April 5, 2007. Petitioner contends that his medical needs are  
18 not being met appropriately by the prison officials.

19 On June 12, 2007, this court issued and Order to Show  
20 Cause, directing the Attorney General's Office to respond to  
21 Petitioner's claim(s). The Attorney General's Office submitted  
22 authority for the proposition hat the federal Court has asserted  
23 authority over the California department of Corrections health care  
24 system and that therefore this court does not have jurisdiction to

1 determine the claims made by the Petitioner. (See Attorney  
2 General's REQUEST TO VACATE ORDER TO SHOW CAUSE) After reviewing  
3 the authorities presented, this court agrees with the Attorney  
4 General's position and now vacates the Order to Show Cause issued  
5 on June 12, 2007.

6 Accordingly, the April 5, 2007 petition for writ of  
7 habeas corpus is denied.

8  
9

10 Dated: August 6, 2007.



11  
12  
13 KELLY V. SIMMONS  
14 JUDGE OF THE SUPERIOR COURT  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF CALIFORNIA )  
COUNTY OF MARIN )

IN RE RAYNELL CARMICHAEL  
ACTION NO.: *SC152878A*  
(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903. ON **August 7, 2007** I SERVED THE WITHIN ***ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS AND VACATING ORDER TO SHOW CAUSE*** IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

<b><i>RAYNELL CARMICHAEL D-25366 SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974</i></b>	<b><i>ATTORNEY GENERAL DEPARTMENT OF JUSTICE ATTN: ANYA BINSACCA CORRECTIONAL LAW SECTION 455 GOLDEN GATE AVENUE 12<sup>TH</sup> FLOOR SAN FRANCISCO, CA 94102-7004</i></b>
<b><i>CHARLES S. CARBONE CALIFORNIA PRISON FOCUS 2940 16<sup>TH</sup> ST, SUITE B5 SAN FRANCISCO, CA 94103</i></b>	<b><i>WARDEN SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974</i></b>

*I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.*

DATE: *8/7/07*

*V. Allen*